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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **ARB.P. 1117/2023**

M/S. SHIVI INFRASTRUCTUREPetitioner

Through: Ms. Pooja Dua, Advocate.

versus

UNION OF INDIARespondent

Through: Mr. Sougat Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **16.10.2024**

1. The present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('A&C Act') has been filed by the Petitioner seeking appointment of an independent sole arbitrator to adjudicate the disputes between the parties.

2. It is stated that the Petitioner herein entered into a contract with the Respondent herein vide Letter of Acceptance dated 27.05.2019 for Construction of High Level Platform (640x10m) and ancillary works for 05 Nos. Stations from Katangi Khurd to Vijaysota Station in connection with Katni-Singrauli Rail Doubling project under W.C.R (M.P.), Pkg-I. It is stated that disputes have arisen between the parties regarding termination of the contract. It is stated that the Petitioner herein invoked Clause 64 of the General Conditions of Contract (GCC) which provides for arbitration for adjudication of the disputes between the parties.

3. It is stated that the Petitioner herein sent a notice dated 24.07.2023 to the Respondent invoking the Arbitration Clause. Since no reply has been



given by the Respondent to the letter of the Petitioner, the Petitioner has approached this Court by filing the present Petition.

4. Learned Counsel for the Respondent raises objection to the present Petition. However, In view of the fact that disputes have arisen between the Parties and there is an arbitration clause, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the Parties.

5. Accordingly, Justice Rajiv Shakdher, Former Chief Justice of Himachal Pradesh High Court is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

6. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

7. The learned arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

8. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

9. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

10. The present petition stands disposed of in the above terms.

SUBRAMONIUM PRASAD, J

OCTOBER 16, 2024

Rahul